

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANDREW PERRONG, *individually and
on behalf of a class of all persons and
entities similarly situated,*

Plaintiff,

v.

QUOTEWIZARD.COM, LLC,

Defendant.

Case No. 2:20-cv-2506-JCJ

DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION TO AMEND

Defendant QuoteWizard.com, LLC (“QuoteWizard”) hereby respectfully submits its Opposition to Plaintiff Andrew Perrong’s (“Perrong”) Motion to Amend his Complaint, which seeks to add Kumparison, LLC (“Kumparison”) as an additional defendant. *See* ECF No. 31.

The sole reason provided for the proposed amendment is that Kumparison sold Perrong’s lead to QuoteWizard. But this motion again ignores the fact that the lead purchased by QuoteWizard, sold to it by Kumparison, has no connection to the allegedly illegal call at issue in the Complaint and putative Amended Complaint. All of Perrong’s time and resources should be dedicated to determining who made *that* call (*i.e.*, the person or company identifying themselves as “Danny” with “Cheap Insurance Rates Online.”) Perrong could determine that by, for example, subpoenaing the owner of the telephone number that called him. Instead, Perrong is insistent on chasing information about QuoteWizard’s lead that resulted in *no (actual or even alleged) illegal contact or conduct.*

The information gathered by QuoteWizard to date shows that:

- (1) Perrong signed up on or around April 17, 2020 on <http://instant-auto-insurance-now.com/v7/> and consented to be contacted about insurance products by the website and its marketing partners, and QuoteWizard is a listed marketing partner;
- (2) The source of this lead is CrushingAds;
- (3) Kumparison purchased this lead and then sold to QuoteWizard with consent to contact Perrong;
- (4) QuoteWizard made two unsuccessful attempts to contact Perrong thereafter;
- (5) The lead and Perrong's consent can be independently authenticated and verified; and
- (6) This lead has no connection to the allegedly illegal call identified in the Complaint and putative Amended Complaint from "Danny" with "Cheap Insurance Rates Online."

It is unclear whether Kumparison has any additional information regarding this lead, but in any event, *it is entirely irrelevant to the allegedly illegal call at issue in the Complaint.*

It is inexplicable that Perrong's counsel continues to pursue information, and even now proposes adding a second defendant, regarding a lead that did not result in contact or violate the TCPA. Perrong should focus solely on the allegedly illegal call at issue by determining who made it and should go straight to the source—"Cheap Insurance Rates Online," as may be deduced by the number that called him. Rather than adding a second irrelevant defendant, Perrong could simply serve a subpoena to determine the owner of the number when discovery shortly opens. Instead, Perrong is again wasting the resources of other entities who are not responsible for the allegedly illegal call.

In light of the foregoing, the Court should deny Perrong's motion to amend because it is a further waste of this Court's (and QuoteWizard's) time and resources. Perrong's counsel has repeatedly been put on notice that (1) the lead that Kumparison sold to QuoteWizard is not connected at all to the call from "Danny" with "Cheap Insurance Rates Online" and

(2) QuoteWizard had consent to contact Perrong anyway (but never reached him).¹ Perrong's counsel's sole focus should be on the admitted caller, not unrelated, innocent entities.

Respectfully submitted,

QuoteWizard.com, LLC,
By its attorneys,

/s/ Kevin P. Polansky

Kevin P. Polansky (Admitted *Pro Hac Vice*)
MA Bar No. #667229
kevin.polansky@nelsonmullins.com
Matthew E. Brown
PA Federal Bar No. 93541
matt.brown@nelsonmullins.com
Christine M. Kingston (Admitted *Pro Hac Vice*)
MA Bar No. 682962
christine.kingston@nelsonmullins.com
Nelson Mullins Riley & Scarborough LLP
One Financial Center, 35th Floor
Boston, MA 02111
(t) (617)-217-4700
(f) (617) 217-4710

Dated: December 4, 2020

CERTIFICATE OF SERVICE

I, Kevin P. Polansky, hereby certify that this document has been filed electronically and is available for viewing and downloading from the ECF system. All counsel of record have consented to electronic service and have been served via the ECF system.

Dated: December 4, 2020

/s/ Kevin P. Polansky

¹ In his motion, Perrong's counsel wrongly claims that “[b]y its own admission then, QuoteWizard has associated Kumparison, LLC with the initial illegal telemarketing call to Mr. Perrong.” ECF No. 31, p. 3. To the contrary, in each communication with Perrong's counsel and each court filing, QuoteWizard's counsel has consistently put Perrong's counsel on notice that its lead has no connection at all to the allegedly illegal call from “Danny” with “Cheap Insurance Rates Online.” Perrong's counsel has simply chosen to ignore this.